

1 J. Patrick Carey (State Bar #253645)
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9 Attorney for Defendant
10 ALAN JOHNSTON
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 CORY SPENCER, an individual;
13 DIANA MILENA REED, an
14 individual; and COASTAL
15 PROTECTION RANGERS, INC., a
16 California non-profit public benefit
17 corporation;

Plaintiffs,

v.

17 LUNADA BAY BOYS; THE
18 INDIVIDUAL MEMBERS OF THE
19 LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
aka JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his representative
capacity; and DOES 1 – 10,

Defendants.

Case No. 2:16-cv-02129-SJO (RAOx)
Hon. Rozella A. Oliver

SUPPLEMENTAL DECLARATION
OF ATTORNEY J. PATRICK CAREY
RE SERVICE OF SUPPLEMENTAL
RESPONSES AND DOCUMENTS IN
RESPONSE TO PLAINTIFF COREY
SPENCER'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
FROM DEFENDANT ALAN
JOHNSTON

Hearing Date: December 7, 2016
Hearing Time: 10:00 a.m.
Location: Courtroom F, 9th Floor

I, J. Patrick Carey, hereby state and declare:

2 1. I am an attorney duly admitted to practice law in the State of
3 California and before this Court. I am the attorney of record for Defendant
4 Alan Johnston. I have personal knowledge of the matters set forth herein
5 such that I could and would competently state as follows under oath.

6 2. On November 30, 2016, I filed a declaration regarding service of
7 supplemental responses and documents, however I neglected to attach the
8 actual supplemental responses to my original declaration.

9 3. The supplemental responses referenced are attached to this
10 supplemental declaration as Exhibit 1.

12 I declare under penalty of perjury under the laws of the United States
13 of America that the foregoing is true and correct.

14 Executed on December 1, 2016 at Manhattan Beach, California.

/s/ J. Patrick Carey

J. Patrick Carey

Attorney for Defendant Johnston

Spencer v. Lunada Bay Boys, et. al.

Case No. 2:16-cv-02129-SJO-RAO

Exhibit 1

1 J. Patrick Carey (State Bar #253645)
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JEFF KEPLEY, in his representative
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Defendants.

Case No. 2:16-cv-02129-SJO-RAO

DEFENDANT JOHNSTON'S
SUPPLEMENTAL RESPONSES TO
PLAINTIFF COREY SPENCER'S
FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

DEFENDANT JOHNSTON'S SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

After meeting and conferring with Plaintiff's counsel, Defendant Johnston ("Defendant"), by and through his attorney, hereby supplements Defendant's prior document production responses.

DEMAND NO. 10: "Any and all texts amongst anyone who surfs, or has surfed, Lunada Bay referring or related to efforts to keep anyone from surfing at Lunada Bay."

SUPPLEMENTAL RESPONSE: Defendant hereby complies with this request by producing copies of texts regarding this lawsuit, which lawsuit alleges such efforts.

DEMAND NO. 12: "Any and all photos of Lunada Bay."

SUPPLEMENTAL RESPONSE: With the understanding from Plaintiff's counsel during the meet and confer that Plaintiff is not seeking production of scenic photos that do not depict people, property, cars, or other things that could be used to identify people, Defendant responds that Defendant has no responsive documents.

DEMAND NO. 13: "Any and all videos of Lunada Bay."

SUPPLEMENTAL RESPONSE: With the understanding from Plaintiff's counsel during the meet and confer that Plaintiff is not seeking production of scenic videos that do not depict people, property, cars, or other things that could be used to identify people, Defendant responds that Defendant has no responsive documents.

1 DEMAND NO. 15: "Any and all texts or records of phone calls with Frank
2 Ponce."

3 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
4 they would be contained in the attached documents, which include
5 Defendant's cell records from approximately June 2015 through September
6 2016.

7
8 DEMAND NO. 16: "Your cell phone bills since January 1, 2013."

9 SUPPLEMENTAL RESPONSE: Defendant hereby complies by producing
10 the cell phone records that Defendant has, which are the attached records
11 from approximately June 2015 through September 2016.

12
13 DEMAND NO. 22: "Any and all texts or records of any phone calls with Hank
14 Harper."

15 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
16 they would be contained in the attached documents, which include
17 Defendant's cell records from approximately June 2015 through September
18 2016.

19
20 DEMAND NO. 24: "Any and all texts or records of any phone calls with
21 Frank Ponce."

22 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
23 they would be contained in the attached documents, which include
24 Defendant's cell records from approximately June 2015 through September
25 2016.

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1 DEMAND NO. 26: “Any and all texts or records of any phone calls with
2 David Melo.”

3 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
4 they would be contained in the attached documents, which include
5 Defendant’s cell records from approximately June 2015 through September
6 2016.

7

8 DEMAND NO. 28: “Any texts or records of any phone calls with Mark Griep.”

9 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
10 they would be contained in the attached documents, which include
11 Defendant’s cell records from approximately June 2015 through September
12 2016.

13

14 DEMAND NO. 30: “Any and all texts or records of phone calls with Peter
15 Babros.”

16 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
17 they would be contained in the attached documents, which include
18 Defendant’s cell records from approximately June 2015 through September
19 2016.

20

21 DEMAND NO. 32: “Any and all texts or records of any phone calls with
22 Charles Thomas Mowatt.”

23 SUPPLEMENTAL RESPONSE: To the extent Defendant has such records,
24 they would be contained in the attached documents, which include
25 Defendant’s cell records from approximately June 2015 through September
26 2016.

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1 DATED: November 29, 2016 LAW OFFICES OF J. PATRICK CAREY
2

3 By: /s/ J. Patrick Carey
4 J. Patrick Carey
5 Attorney for Defendant
6 ALAN JOHNSTON
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PROOF OF SERVICE BY E-MAIL

1 STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES

3 I am self employed in the County of Los Angeles, State of California. I am over
4 the age of 18 and not a party to the within entitled action. My business address is 1230
Rosecrans Avenue, Suite 300, Manhattan Beach, California 90266.

5 On November 29, 2016, I served by E-Mail the foregoing document described as
6 DEFENDANT JOHNSTON'S SUPPLEMENTAL RESPONSES TO PLAINTIFF COREY
7 SPENCER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS on the following
counsel of record in this action as follows:

8	Kurt A. Franklin kfranklin@hansonbridgett.com	Edwin J. Richards, Ed.Richards@kutakrock.com
10	Samantha Wolff SWolff@hansonbridgett.com	Jacob Song jacob.song@kutakrock.com
12	Victor Otten vic@ottenlawpc.com	Richard P. Dieffenbach RDieffenbach@veatchfirm.com
14	Mark C. Fields fields@markfieldslaw.com	John Worgul JWorgul@veatchfirm.com
15	Thomas M. Phillips tphillips@thephillipsfirm.com	Edward Ward Edward.Ward@lewisbrisbois.com
17	Aaron Miller amiller@thephillipsfirm.com	

18 BY E-MAIL. I E-Mailed a PDF copy of the document to all of the addressees' E-
Mail addresses indicated above.

19 Executed on November 29, 2016, at Los Angeles, California.

20 (Federal) I declare that I am a member of the bar of this Court. I declare
21 under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

23 
24 J. Patrick Carey